IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRIT No. 1806 of 1995

DHUKA RAM
V/S
STATE & ORS

Mr. PC SHARMA, for the appellant / petitioner

Mr. ML CHOUHAN & Mr. RAJESH CHOUDHARY, for the respondent

Date of Order : 11.4.2007

HON'BLE SHRI N P GUPTA,J.

ORDER

By this petition, the petitioner seeks to challenge the order Annexure-4 passed by the learned Addl. Collector, Barmer dt. 24.1.1994, Annexure-8 dt. 27.4.95 whereby the application for setting aside the order Annexure-4 was dismissed, so also the order Annexure-11 being dt. 25.11.92 whereby the proceedings were ordered to proceed exparte.

In substance the order of the learned Addl. Collector Annexure-4 is sought to be challenged by which order learned Addl. Collector had allowed the revision filed by the private respondents, and have set aside the Patta granted by the Gram Panchayat.

At the outset both the learned counsel submitted

that since the order Annexure-4 has been passed exparte, and it would be in the interest of justice that the learned Addl. Collector may hear the parties afresh and may pass the order again on merits dispassionately and objectively without in any manner being obsessed by the findings recorded in the order Annexure-4.

In view of the above submission, I allow the writ petition, set aside the orders Annexure-4, 8 and 11, and send the matter back to the learned Addl. Collector to hear the parties again, and decide the matter afresh in accordance with law. The parties are directed to appear before the learned Addl. Collector on 5.7.2007. It is made clear that no further notice will be required to be given by the Collector. The learned Addl. Collector is also directed to decide the revision most expeditiously preferably within a period of six months. The parties shall bear their own costs.

(N P GUPTA),J.

/Sushil/